

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

CHARLES H. EMERY,
Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,
Defendant.

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File No. 1:11-cv-65-jgm

ORDER

The Magistrate Judge's Report and Recommendation was filed April 9, 2012. (Doc. 34.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Plaintiff's motion for order reversing the Commissioner's decision (Doc. 21) is DENIED. The Commissioner's motion for an order affirming the decision (Doc. 33) is GRANTED.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 25th day of May, 2012.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge